

San Francisco Bay Conservation and Development Commission

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January 10, 2019

TO: Bay Fill Policies Working Group Members

FROM: Steve Goldbeck, Deputy Director (415/352-3611; steve.goldbeck@bcdc.ca.gov)
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SUBJECT: December 20, 2018 Commission Bay Fill Policies Working Group Meeting Summary

Action Items:

- Add to the second question in Bay Plan intro: “ensuring long-term ecosystem health”.
- Add to the minor fill questions:
 - Moving forward does it make sense to have an additional limitation on fill for habitat restoration that we don’t have for other project types?
 - Do we still need the minor amount of fill restriction in order for us to determine what fill is required?
 - How do we ensure that habitat projects are really habitat projects?
 - How do we determine the “appropriate” amount of fill to allow, given the fact that those needs may change over time?
 - How can the policies be restrictive enough but also be more pliable?
- Add to the minor fill complementary efforts:
 - The Delta Plan
 - The BRRIT
- Add to the Middle Harbor questions:
 - What applicable lessons have been learned from Middle Harbor?
 - In the second question, change “can” to “should”
- Investigate: Fish, Other Aquatic Organisms, and Wildlife Policy 5 says that “The Commission may permit a minor amount of fill **or dredging**...to enhance habitat..” Will this policy restrict necessary channel dredging in restoration projects?
 - Does this “minor amount” apply to both dredging and fill?
 - Is this an issue raised in other parts of the Bay Plan? If so, where?
 - Should we consider this as part of this amendment?
- Investigate/Discuss: Are we dealing with the question of adaptive management of fill placement in this amendment, or somewhere else?

1. Roll Call, Introductions, and Approval of Agenda. Chair Barry Nelson called the meeting to order at the Bay Area Metro Center, 375 Beale Street, Claremont Room, First Floor, San Francisco, California, at 11:03 a.m., and asked everyone to introduce themselves. Bay Fill Policies Working Group members in attendance included Chair Barry Nelson, Commissioners Jim McGrath, Patricia Showalter, and Sam Ziegler. BCDC staff in attendance included Erik Buehmann, Brenda Goeden, Steve Goldbeck, Sam Stewart, Megan Hall, Jessica Fain, and Anniken Lydon. Also in attendance was Jessica Davenport with the Coastal Commission.

Chair Nelson asked for comments pertaining to the November Meeting Summary.

Commissioner Ziegler commented: I would like to know how helpful people find these summaries to be.

Chair Nelson stated: They are pretty exhaustive. A lot of effort goes into it. One question is, could there be a better way we can think through next step tasks we need to do to keep us on track? We have new staff and I would like to know how they helpful they find these meeting summaries.

Ms. Hall opined: For me they have been absolutely essential to know what has happened in past meetings. If you have a really, abbreviated summary you can often think it makes sense but you don't have the context at all and having a summary that is a bit, more fleshed out was really important to me.

Chair Nelson replied: So you are using these as you get up to speed.

Ms. Hall responded: Yes, I have read past Bay Fill Working Group meetings and it has been really important.

The Reporter: Chair Nelson, keep in mind that I can make them as brief as you want them. I remember having this conversation with Mr. Goldbeck approximately two years ago as far as the Commission meetings were concerned and he stated to me that there was not enough detail and so at his and Larry's request I made it more detailed.

Mr. Goldbeck chimed in: I do think that if we are going to tape these they should be a letter of detail and it is going to be useful.

Chair Nelson added: The fact that we have new staff is a great example of the value of having these more detailed notes. Unless you find that there is just too much to wade through that we leave detail out of them.

Commissioner Showalter stated: With minutes you are always either at one extreme or the other. This is more like a transcript minutes. I find it useful because it reminds me right where we were the last time. And there is quite a bit of time between these meetings. From that point of view it is good.

There is not an action item list in the minutes.

Ms. Hall commented: I agree that an action item list would be a nice addition.

Commissioner Showalter continued: I always find that an action item list is helpful.

Chair Nelson noted: I think that is two things. We can do that in the minutes but it can only be done if we do a better job by making sure that we are tracking those issues. Let's just make sure that we have an action item discussion at the end to make sure that we are keeping track. That will certainly be helpful to me because it is a fair amount of time between these meetings.

The Reporter: Commissioner Nelson it would be helpful to me that if you felt something was important enough to be itemized on an action list you let me know that and at the beginning or at the end of the transcript I can give you the total of the action items that you mentioned were worthy of being itemized.

Ms. Goeden emphasized: They are supposed to be a meeting summary not minutes but we have made a decision that they are not supposed to be minutes just for reference.

Ms. Hall commented: I will say that it was my first take at making the minutes into a summary I erred on the side of inclusion. I could also err less on the side of inclusion in the future.

Chair Nelson acknowledged the arrival of Commissioner McGrath: Welcome Jim. We were just discussing the value of our meeting summaries; whether they are too much or too little. Our new staff finds the reports very valuable and we are going to be very disciplined in making sure that we track action items as we go through so we can add it as a separate item in the summary.

Chair Nelson asked for a motion to approve the November 15, 2018 Meeting Summary.

2. Approval of November 15, 2018 Minute Minutes.

MOTION: Commissioner Showalter moved approval of the November 15, 2018 Meeting Summary, seconded by Chair Nelson. The Meeting Summary was adopted by voice vote with no objections or abstentions.

3. Discuss fill for Habitat Policy Challenges Memo. Commissioner Nelson continued: At our last meeting we had two agenda items. We got to the first one which was a discussion of process moving forward. We didn't get to this meaty discussion of substance. You have in your packet a memo with many more questions than we are going to have time to discuss today.

My first question before we dive into this is whether staff thinks we are going to make it through this whole list today because it is a long list of questions.

Ms. Hall replied: It is. It will be hard to get through all of it today.

Ms. Fiala added: We have clarified that the questions to consider aren't necessarily things that we need to go by one by one. It is more like questions for Megan's additional research. Covering every topic in here doesn't seem that ambitious.

Chair Nelson clarified: What I was thinking we would do is not go point by point through all these questions but to have you walk us through each of those groups of questions. We could have a discussion on each constellation of issues.

Ms. Hall commented: That is more of what we had in mind. We mostly want to make sure that the main issues associated with habitat are captured here and that there is nothing that is glaring that is missing and none of this should be significantly reframed.

Chair Nelson stated: So it's not so much asking us to provide answers to these questions as it is making sure that we have the right ones to ask.

Commissioner Ziegler stated: It sounds like a good outcome would be if we added questions if needed because you want to make sure all the questions are there.

Ms. Hall continued: I can give a very brief introduction to this to refresh our memories. I was reading through the staff report that initiated the Bay Plan Amendment. I read this sentence, "The proposed Bay Plan Amendment would consist of amending the natural resource and dredging findings and policies to address a potential need for fill and habitat-based projects, updated shoreline policies and potentially updating public-access, policy language."

What really sticks out is this first one. There isn't really any one section of the Bay Plan that refers to; there are a lot of issues that transcend several sections of the Bay Plan. This was an attempt to flesh out what are those issues, what are the issues associated with the need for more fill and habitat-based projects, and how would we go about doing that if we choose that we do need more fill. That is why this is the longest section.

Here you see the general questions for you to consider which reflect what we just talked about. Are there any additional policy issues?

Chair Nelson commented: The number three here: "Potentially updated, public-access, policy language" we have agreed that we are going to look at that.

Ms. Hall added: There is a brief description under that section of our conversations regarding that and why we chose to isolate that as a separate amendment. I also note for you the documents that I was reading before I drew of the lot of the concepts that we have to pick here from. Do you think that any other research questions should be addressed? Is there anything major missing? These are the main things we are trying to get at.

The issue of, "minor amount of fill" is at the heart of this. Right under that we have, "applicable Bay Plan Policies" and this is word-for-word extracted from the Bay Plan. What policies fall under this issue that we would potentially be amending? For the Case studies section, we may note any relevant studies or work that has been done where we could learn about this topic. Questions to consider, these are the ones that we are not looking to the answers to these but just address; are these the right questions to be asking? Complementary efforts, if there are any other processes going on within BCDC or externally that we should be trying to dovetail with and understand what they are doing so we are not working in isolation here.

Chair Nelson added: I don't think we need to ask you to walk through the Bay Plan language, the case studies or the policies; it seems like it would make sense for us to flag each issue and skip to the questions.

Ms. Hall noted: There is also a brief description of the policy issue here.

Ms. Fiala added: We were thinking of this as the first outline for the staff, planning, group work that would be in support of the Bay Plan Amendment. This is the research that then supports the suggested policy changes.

Ms. Hall continued: The first issue is more just a policy, language issue. Right now in the introduction of the Bay Plan the impacts of Bay fill are listed in a way that doesn't highlight at all how Bay fill can be important and useful for restoration. It hasn't really been changed or updated during the amendments that happened in the 2000s where tidal marsh policies and subtidal policies were all changed. This doesn't seem to reflect a lot of the new, slightly-positive work on Bay fill. They don't talk about fill for restoration and also the effects of Bay filling only mentions negative components and doesn't really talk about how there could be, when used cautiously, positive aspects as well. The questions are whether these policies have at all restricted our ability to approve fill in restoration projects and how they could be changed to reflect the perspective on fill from a restoration standpoint. From initial discussions with staff it sounds like it hasn't been prohibited in any way but it is the way the intro frames our perspective on these things. We don't seem to have a positive perspective at all in this.

Chair Nelson stated: From a regulatory perspective that language is not so restrictive that staff has had to say, that language says we can't approve fill. It seems to me it's the second question that is more important here. And that is that there is a lot that is missing here. We've always assumed for years that fill is the enemy of healthy habitat and the best way to restore healthy habitat is to stop Bay fill and pull fill out by breaching dikes and so forth. That is just not the paradigm we live in today.

I think the second question is the key. Is that second question framed properly? Does it capture the things that are missing from the introduction?

Commissioner McGrath commented: I keep thinking we are over thinking this. I want to put aside Middle Harbor because there are still questions about institutional capacity completeness and the like. But I turn to Sonoma Baylands. To me the restoration efforts we have out there where our policies have restricted our science are Sonoma Baylands and Sonoma Creek.

For Sonoma Baylands the conventional wisdom is we can let you put fill in there as long as it is not open to the Bay but we can't if it is open to the Bay. And so we are 20 years into Sonoma Baylands and it is successful in terms of one of the metrics, habitat for an individual species. It had some of the same placement issues in that fill was too high and the levees became sites for predators. So there are lots of lessons learned that you can harvest from but the conclusion that I drew from the monitoring report that I read was that it was very successful.

To me the distinction of whether or not you could have done that with or without an existing tidal break boils down only to the question of, "do you lose sediment and does that fill have sedimentation impacts and silting?" I think it is a narrow issue.

Sonoma Creek in contrast is one where we felt constrained by the definition of "minor". But if we step back and look at what we need to do for multiple purposes in order to achieve funding and in order to achieve resilient habitat what is needed there is to restore substantial

tidal prism. And it is even more vital than it was before human intervention and the construction of the jetties at the mouth of the Napa because we are going to need perhaps even more of the tidal prism and finished channel to get reasonable flushing.

Chair Nelson noted: And we are going to get to the question of, “minor” which will be featured prominently later on. It seems to me that one of the things that I would suggest adding to that second question is, not just facilitating adaptation but also ensuring long-term, ecosystem health.

We’ve specifically framed the discussion of fill as though fill is always detrimental to ecosystem health. And we now live in a more complicated world.

Commissioner McGrath added: If we had to do a bunch of dredging and fill in order to restore sufficient tidal prism at the mouth of Sonoma Creek, and I’m not saying that is an easy question and we know what the answers are that the science is clear, but if we get another shot at that I don’t want these policies in the way.

Chair Nelson agreed: Yes, they should not get in the way of asking those questions.

Commissioner Showalter chimed in: My knowledge is primarily based in the South Bay. In the South Bay where we have extreme subsidence due to groundwater extraction in the early 1900s there really is a need for a lot of dirt. I always look at it as, we’re going to need dirt to come from the land and that’s what we are primarily going to use for the levees. And we’re going to need dirt to come from the water which is dredged materials probably to fill in that subsided area. And we need that because the modeling seems to show that if we can’t restore those marshes by 2030 then they are not going to be able to grow with respect to sea level rise. And we need that for the habitats to be there. And we need that for the flood protection. I think this is really vital to me. We need to strengthen this. The subsidence because of groundwater extraction in some places it was as much as 16 feet. We aren’t talking a little bit. We are talking a lot. Right now we are still cleaning out the sediment from the Gold Rush.

Commissioner McGrath stated: It’s mostly gone.

Commissioner Showalter continued: Right, that’s so 1850s. (Laughter and cross talking) But anyway we need something else to replace that essentially in order to maintain these habitats. My understanding is that our best bet for getting that is the use of dredged materials. We just can’t forget the South Bay. I have to keep bringing that up because it’s really vital. And we’re not quite as far along as Sonoma Creek but tremendous strides have been made in restoration efforts.

Chair Nelson continued: So with that addition we are okay with these questions as our introduction.

Ms. Hall added: Part of it too is figuring out if you think this is something that we do need to do as part of this amendment. It sounds like most of you think it is worthwhile to update the introduction.

Commissioner Nelson interjected: Yes. It is important.

Commissioner Showalter stated: I really think that changing the preamble here to talk about the benefits is vital because there are lots of other permitting efforts that are going to have to be updated. The one that is most in need is the cost/benefit formula that the Corps of Engineers does for deciding where the dredged material is used. They go to all sorts of policy documents to justify how they do things. It is really important that we have that this can be beneficial right at the top where it can't be missed.

Chair Nelson commented: They calculate in there as they do their cost/benefit analysis.

Commissioner Showalter agreed: Exactly, yes.

Chair Nelson continued: Let me note, and this is diving past the question of the drafting, is that we want to make sure in drafting we don't give the sense that the world has changed, it's now open season – appropriate caveats are going to be important there.

Commissioner Showalter added: It has to be measured.

Ms. Fiala commented: From a process perspective this section of the Bay Plan was not included in the brief descriptive notice when the Commission initiated this amendment. We would have to do a revision to include that introduction. Maybe we could have it as part of the workshops that we will talk about later.

Chair Nelson noted: That is not going to slow us down and we can do that in parallel.

Commissioner McGrath chimed in: Before we go past this, I have a comment and a question. I want to make sure that somewhere in the response to these questions they make clear that we are taking into account the lessons that were learned from Middle Harbor but also Sonoma Baylands. Those things that have been done in the Bay and monitored should be a part of this.

Going back to page two and the impacts and the major conclusions – that provision, justifiable filling, includes under (e), “developing new freeway routes” et cetera. Is that language existing in the Bay Plan?

Ms. Hall answered: This is taken word for word from the Bay Plan.

Commissioner McGrath continued: Okay. So you can consider that. You can also consider the public access to the Bay. Currently those are bounded by minor fill.

Ms. Goeden explained: They would be under the transportation policies. The freeway bit is under transportation which we are not looking to amend. The focus of this amendment is for habitat. We would really have to change our focus to touch the freeway area.

Commissioner McGrath reiterated: I wanted to be really clear eyed if we are adding something new. And the other thing that I wanted to think through; when SFO was proposing new runways the windsurfing community was very much up in arms that there would be no access to the Bay. One of the questions was, could, if that project went forward, could a mitigation proposal be done which moved their launching area out into the Bay. I see that under (f). That doesn't mean it is automatic.

Chair Nelson clarified: What staff is saying and I think they are right is that, yes – that is under F but that would be under a public access discussion.

Commissioner McGrath stressed his point: I just want to make sure that these things get thought through.

Chair Nelson continued: I want to flag one issue that is related to that and I thought this is where you were going; there is a place where that issue of 1(e) touches on restoration and it's not new freeway routes – it's adaptation provided to existing freeways. Highway 37 is an obvious one. As Highway 37 struggles with adaptation are we going to put that on fill in part because of ecosystem benefits? If we put Highway 37 on fill it's not going to be treated as fill for habitat. Even though there is potentially a really strong ecosystem benefit there my assumption is that it is an important discussion but we are not having it right now.

Commissioner McGrath added: And the same questions are raised with the toll process.

Chair Nelson continued: Yes, those are habitat related but we don't need to worry about them. I think we are ready to talk about minor fill.

Ms. Goeden added: Before we do that I want to throw a wrench in your thinking just for fun. I was on conference call yesterday where we were talking about climate change and precipitation predictions. The precipitation is supposed to be increasing over time and we get more rapid, flashy storms and SFEI is working on some calculations for the amount of tonnage of sediment that would likely be coming into the system based on these flashy systems. And they won't be done with it until sometime next year. I wanted to throw that out there because the system is not statically changing. We are thinking that it is going in a certain direction but there are other parts of the system that are changing that may also influence what happens to the Bay ecosystems and wetland restoration.

I talked to Megan about the idea of channeling the sediment into habitat systems as they come through. I want to throw that out for us to think about as we walk down this system of changes because we could think about how that piece of change also works in this area.

Mr. Goldbeck commented: Regardless of the increasing amount we also want to be reconnecting the tributaries and their sediment loads to the wetlands.

Commissioner McGrath responded to Ms. Goeden's comments: Brenda, I know that we have been talking for close to a decade on flashier systems, more chaos in the system and there is pretty good science behind that and pretty good proving out. Most of what I read predicted that California would have roughly the same amount of rainfall – just delivered at different times.

Mr. Goldbeck added: She was talking about intensity.

Ms. Goeden agreed: Yes, intensity.

Commissioner McGrath continued: It may well be that we are also going to get more or less rainfall. But we don't know that yet. We're pretty sure, 85 percent or better, that we are going to get more frequent, more intense storms. And those have the benefit of delivering more sediment.

Ms. Hall continued: All right, moving on; the minor amount of fill which is really what the majority of this amendment is all about. Should we be allowing more fill in the Bay?

Our fish, other aquatic organisms and wildlife policies and tidal marsh and subtidal area policies, which are three separate sections, all have this restriction that you cannot use more than a “minor” amount of fill for habitat restoration projects or enhancement projects. That can be an issue. At Sonoma Creek it was an issue. When we are looking forward and thinking about these projects that will likely require a lot more sediment to help marshes keep pace with sea level rise, not only marshes but also subtidal areas, the question is, should we be allowing these much larger volumes of fill? It would still comply with our law which is “minimum amount necessary” for the completion of the project. But that has a lot more flexibility and interpretability built into it. That is the main policy issue. “Minor amount” is pretty subjective. How do we deal with that term? Should we just remove it? Should we put some conditions on it?

And so the questions are; in light of sea level rise will restoration projects need more than a minor amount of fill? I think generally the answer to that is, yes. But considering what Brenda was just saying we do need to think about what ill sediment budgets will be like. What will the exact distribution of that sediment be like?

Potentially in certain places it is more important than in others which we will get into more in a future question like approximately how much will be necessary, what types of habitat will need more or less fill, what are ways to start thinking about how we could replace this language?

Chair Nelson chimed in: My recollection is that there are questions later on in this document around things like, pilot projects. Maybe those issues will be discussed elsewhere.

Ms. Hall agreed: Yes. The way I have been thinking of this is as the minor fill and the Middle Harbor Enhancement restriction which is also a “minor fill” term – those are the things that are saying, we can’t use more than a minor amount of fill but then everything else is a question of – if we choose to allow more than a minor amount of fill; how do we do that? How do we place it in the right way? How do we know what impact it is going to have on the ecosystems? How do we gather data on these things? How do we know regarding habitats what issues might arise?

That is what the breadth of the document tries to get at.

Chair Nelson opined: I think these are the right questions. The second one I find really intriguing and that is, how much more than a minor amount of fill would be needed? It raises a question of, is the answer to this question language that just says, okay – we will let a little bit more than minor, or are we going to walk away from the idea of volumetric constraint and do something very different like the last language, “minimum amount necessary.” The minimum amount necessary might be a ton of fill if you are doing a really, big project.

Ms. Hall added: Right. And is it that easy? I think that is a lot of the question. If everyone agreed, yes, let’s just change it to, “minimum amount necessary” sounds good – that would be very easy. But I think it’s thinking about all the conditions that come with that is necessary.

Chair Nelson stated: And I would answer that question in part by thinking, we need to make sure we are doing that in a sound way which means pilot projects and walking through that effort as rapidly as we can. But the questions about pilot projects deeper in the document.

Mr. Goldbeck chimed in: I would say it a little differently because if we move the minor amount of fill we would be left with all our other fill tests in the law and the Bay Plan, which already state that it has to be the minimum amount necessary and not have an alternative, upland location, benefits the public, and the like. The way I look at this question is– is that sufficient? And we can just let that roll or do we have to provide some more guidance?

Commissioner Showalter added: I just keep going back to – okay, what we are saying is right now the definition of a minimum amount of fill is the least amount required to do the job. Is that right?

Chair Nelson answered: No.

Mr. Goldbeck added: We don't know what the definition is.

Ms. Goeden interjected: No. She is saying, "minimum amount." She didn't say, "minor" she said, "minimum".

Commissioner Showalter continued: In simple English, "minor fill" is not descriptive of some of the things that need to be done. We shouldn't have a term that is fundamentally at odds with what we are trying to say. We do need to change the definition – we need to change this terminology from "minor fill".

Chair Nelson made a suggestion: One of the questions that I would suggest adding here is; the irony here is that we restricted fill for habitat more than we restricted fill for other purposes. If you want fill for habitat we've got an additional, more-restrictive test. And that is a little ironic. There is a threshold question there. The big question is, moving forward does it make sense to have an additional limitation on fill for habitat that we don't have for others?

Commissioner McGrath commented: There is a reason for that. I know the generation of BCDC that this came out of.

Chair Nelson interjected: There was a reason. Is there still a reason?

Commissioner McGrath replied: Maybe yes; the fear and it is a legitimate fear, was that projects which were really development projects would come masquerading as restoration projects. I don't have any problem as a Commissioner saying, I know a restoration project when I see one, and that is not a restoration project and you don't fall within that. How do you feel Pat, as a Commissioner, we are going to take a certain amount of heat from the environmental community that you have opened the door perhaps too wide? But I think that I can understand enough of the science and I think the staff can understand enough of the science that says what is or is not a legitimate restoration project as opposed to a mitigation project.

Commissioner Nelson added: And our task today is not to answer that question but to make sure that we've asked the right questions.

Commissioner McGrath continued: Or maybe point to having in the language that we have come up with a distinction between a restoration project and a mitigation project.

Commissioner Showalter replied: Well, that is one way to look at it. I think in addition we might want to add language that what we are looking for is the amount of fill required to make the habitat restoration successful. And that is not necessarily the least amount. You want to build in a little tolerance in any project in both directions so that it will work.

Chair Nelson observed: I hear two questions there. That question is, do we still need minor fill on the habitat side or do we simply need to apply our normal tests – minimum fill necessary which gets at your volume question. Is minimum fill necessary for a big, restoration project might be a lot of fill but it is still the minimum amount necessary to get the job done on the ecosystem side. That's the question about whether we still need a minor amount of fill in that plan.

Your question is a different question. And that is, do we need some constraining language here to make sure that projects that are applying as habitat projects are real habitat projects?

Commissioner McGrath added: And I'm not going to distinguish here between what would it be in the policies and what it would be in the findings. I think carefully, crafted findings can do a sufficient job.

Commissioner Showalter stated: I would like to say that we need an action item to say what is the language that needs to be included to say that the fill is the proper amount or the fill is for restoration projects or habitat projects. It is really vital that we have that in there.

Commissioner McGrath responded: Yes. And in terms of findings we've got plenty of factual information. We've got a pretty good record that the South Bay salt ponds as they opened them up, at least in the case of the ones that they have opened up so far, are such efficient traps and there is enough sediment in the South Bay that we don't, right now, need to put in much fill. It surprises me but that is what the science is saying. That may not be true forever. So you put that in and the jury may still be out on the no-fill option there and also in the North Bay at Sears Point. The question is, those are the things you track. And you put that in the findings, because you don't want to clutter up the policies, but you put in the findings those things.

The last point that is more important; we're not talking just about fill, we're also talking about dredging. We might need to do a whole bunch of dredging of better channels and oversize them as we did on Muzzy to get some material to create transition zones or fill low spots but also to get the tidal prism we need to make these systems more sustainable. That is particularly true for Sonoma Creek.

Chair Nelson observed: I hear three questions. One is to ask that question; do we still need the minor amount of fill restriction in order for us to determine what fill is required?

Commissioner McGrath stated: Most of us are saying – no. Get rid of that.

Chair Nelson continued: Yes. Second is, how do we ensure that habitat projects are really habitat projects?

And the third question is dredging. And I don't think that belongs here in the minor-amount-of-fill discussion. It might belong somewhere else in this list.

Ms. Hall replied: The only dredging policy that we were planning to really get into was the minor-fill restriction on beneficial re-use related to Middle Harbor. Are there restrictions on dredging channels?

Commissioner McGrath gave some historical perspectives: The policies if you trace them back talk about fill and dredging. I haven't tried to craft or wordsmith it but let's go to Sonoma Creek outlet where tidal-prism reductions have narrowed the channel by dramatic amounts. It may be possible to hook up tidal prism and have that naturally erode. That is what is happening for the most part in the South Bay and we all know there was a debate over that at Sonoma Baylands whether or not the tidal prism was sufficient or they needed to dredge at least pilot channels. I don't want to have a set of policies that prohibit it if either that would provide flood-control benefits, economic justification sooner, or material that we would need in other parts of the system.

Chair Nelson stated: So that sounds to me like an action item. That is not a question to put here. That is a question for staff to say, when we are done we are going to back through these policies and ask that question.

Commissioner McGrath added: I want to scrub an enhancement of Sonoma Creek that is more than just the tidal wetlands but is also flood-control benefits and salmonid benefits. I want a system of policies that will allow consideration, will not automatically approve it but will have a fair set of policies to allow evaluation of that project.

Chair Nelson announced: So that is an action item to go through this list and find out if there is something in here we need to tweak to allow that to take place.

Commissioner Showalter agreed: And I would concur with that. I was thinking of it more from the point of view of co-equal goals. Many times in these projects one agency may look at it more as a habitat project and one agency may look at it more as a flood-protection project. But the truth is they're really sold totally as co-equal goals. That is a term that has been used a lot in the Bay Delta stuff. It still is a good, English term. In the salt pond restoration we have the co-equal goals of habitat restoration, flood protection and public access. Somehow I think that in this discussion we need to allow for that and not for it to be just habitat but for it to be – I don't know that we don't allow for that—but when I was reading through it was a little iffy to me. The other thing that I wanted to get back to with the minor fill – what about the use of the term, “the correct amount of fill” based on scientific and economic needs or based on scientific and environmental needs. I just feel like we need to move from minor or minimum or negative words and we want to move into more positive words. And also we want this to be right sized. That is really what we want for these projects. We want them to be properly sized to do the job. That is not necessarily minimum or maximum; it is the right size or the correct size.

Chair Nelson interjected: That says, we've got the right questions. These are just options for staff to consider.

Ms. Hall added: That could be a potential answer to the question which is something we – that is the goal of writing the staff report as it ultimately comes up with those changes.

Chair Nelson observed: The last question up there is, could we replace the language with minimum amount necessary? And one possible answer to that is actually maybe that is not the right term. Maybe it is some other term. That is something for staff to work on.

Commissioner Ziegler commented: Pat you also suggested earlier the term “correct amount”, but you also said the amount of fill necessary to make the restoration effective. Those are the same – you are getting at the same thing there just different wording.

Commissioner McGrath chimed in: Let me go to the bottom of page three where it talks about the applicable Bay policies. The Commission may permit a minor amount of fill or dredging; are you telling me that I don't have to worry about minor dredging because the “minor” is a modifier only to the amount of fill and not to dredging?

Ms. Goeden responded: I think you are raising a really good point there. It has been completely outside of the scope of what we have been talking about so far. We've only been talking about fill. We haven't been talking about dredging but I absolutely see your point that for projects like Sonoma Baylands or other marsh areas that need some kind of dredging to increase tidal prisms; we have not talked about that.

Mr. Goldbeck chimed in: But we are going to have a beneficial re-use Bay Plan amendment that should address that. This is addressing fill.

Ms. Goeden continued: So the dredging policies really do not speak specifically to what you are talking about Jim.

Commissioner McGrath replied: But I think it is vital. Let me make a distinction between Sonoma Creek where you have a tremendous potential to enhance an endangered species and one of the best options you have in the whole of the Bay Area. And we know that hydrologically the cut off of tidal prism led to a narrower channel, exacerbated flooding in that lower part of the valley and there is land that can potentially restore that tidal prism. That is very distinct from Pinole Creek where you've got diminished tidal prism, which leads to more rapid siltation, which leads to more dredging, higher costs, and almost no flood control.

Chair Nelson interjected: But your ability is limited.

Commissioner McGrath continued: But you are not going to be able to hook that up to a tidal prism. That is a dredging question. If you widen that channel you'll just trap more sediment. And we know that's all going to get worse with sea level rise.

Chair Nelson noted a directive for staff: So we've got that question for staff to go through but then the next question is if the answer is, for example here where a minor amount of fill —

Ms. Hall added: -- or dredging.

Chair Nelson continued: -- good question – is it a minor amount of dredging or is it just fill? There may be other places in the Bay Plan where that's an issue. If, when you go through, the answer is actually, yes – we should think about that; tell us where. Is that in this document, in this effort? Or is it one of the other Bay Plan amendments that we are considering?

Ms. Hall stated: Right, right – where would it fit in best?

Commissioner McGrath offered the following: I don't want to predispose the answer. We might come up with a solution that says, from a scientific or a minimized-risk perspective we'll just add the tidal prism and we won't worry, gradually the channel will widen. That's happening in the South Bay. I'm also not going to prevent the idea of using some of the material in widening the channel to create transitions zones or cut-off ditches or things like that. And I don't want a minor fill or minor dredging in the way of what makes sense and good science.

Ms. Goeden noted: So, the answer is already here. It is Policy 2(d) and it says, "The siting and design of the project will result in the minimum dredging volume necessary for the project" which mirrors the law not the minor amount.

Commissioner McGrath added: For the project.

Ms. Goeden stated: So we can check that off. (Laughter)

Chair Nelson continued: But still go through that exercise just to make sure that there is not something else in there.

Ms. Hall observed: Yes, to confirm that something else is not limited by minor too.

Ms. Fiala offered the following: And one potential possibility is to just delete the fish and wildlife policy entirely.

Ms. Hall stated: There are a lot of options on how we can handle it. I think we all agree going into this amendment this needs to be handled in some way.

Mr. Goldbeck pointed out the following: The one thing I do want to point out, one thing we need to remember when we are talking about the potential for replacing "minor amount of fill" with some other term is that this actually goes back to the law, 66605 says that the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill. We need to be careful there and maybe what we are thinking about is a discussion of the policies as to how you define what is the minimum necessary in terms of what you are saying as opposed to the absolute minimum to have habitat or the minimum to do a project that provides great benefits and is resilient. I think we can work around it. We just need to be careful and we have to be consistent with our Act as we make these changes. I think there are ways to do it. I'm just pointing that out.

Commissioner Ziegler asked: Is it at all within the scope of the work group to identify if science is being – what science we would want to apply to it as being limited because of the statutory language?

Chair Nelson stated: We could recommend statutory changes.

Ms. Hall added: We have.

Mr. Goldbeck stated: First we would want to see if we can do it without having to –

Chair Nelson interjected: But it is within our scope if we decided it was necessary. I'm not convinced it is yet.

Ms. Fiala offered the following: I would say that it could be identified as a next step but it is outside the scope of this Bay Plan Amendment.

Commissioner Ziegler chimed in: Well I understand it is outside of the amendment and to the extent to which we have to convolute ourselves and we can do it but it sure would be better – I was just wondering if part of that is flagging.

Chair Nelson opined: But the Working Group's charge in general is not just to Bay Plan amendments. If we concluded, and I think at some point we will, we need amendments to McAteer-Petris Act we can recommend them.

Ms. Goeden chimed in: I just want to throw one more thing into this for consideration. This whole discussion around fill and what is the right size for the right project; there's also the temporal aspect of it that is really challenging. When you've got a project in front of you today that has a life span of 25 years, 75 years, in perpetuity; what is the right amount of fill for that project? This is an extremely challenging thing for staff to deal with. I want to put this out there for you to think about. How do we also address that in this because it sure would be helpful? (Laughter)

Chair Nelson stated: I think our direction to staff is, yes – that's hard and go deal with it. (Laughter)

Ms. Goeden opined: Oh, you're punting. Here it is – go figure it out.

Chair Nelson continued: You are actually right. We used to assume that minimum fill necessary is something that you could determine once and it would remain true over time. And the fact that there is now a temporal aspect to minimum fill necessary might be the minimum fill necessary this year is X and if we are looking at a 30-year horizon it's 2X. That is a question that the McAteer-Petris Act doesn't really contemplate. I don't think it constrains us to ask that question but it sure doesn't answer it.

Mr. Goldbeck stated: We've already had people discussing wanting to fill tidal wetlands for a transitional habitat that will, down the line, become new, tidal wetlands with rising sea level but would extirpate tidal wetlands for 20 to 30 years. And so the question is, would this be a good idea?

Chair Nelson surmised: Maybe there is another question there. And that question is, how do we determine the "appropriate" amount of fill to allow, given the fact that those needs may change over time? That may be an additional question we would want to add here.

Mr. Goldbeck noted: Sometimes they say, well why don't you just do that fill in later and they say, well – we are here now, isn't it cost effective to wait if we want to do that? It's not a simple equation.

Ms. Hall added: I think that is kind of what this question was trying to get at. How much more would they need in the future? It doesn't encapsulate that uncertainty and the dynamic nature as well as it could. So I can incorporate that.

Commissioner McGrath posed relevant questions: We have policy and precedent that deals with that. We ask for mitigation for temporal losses. We can reverse that and say, are the temporal gains important? Or we could ask, do we have a temporal loss? And is that temporal loss warranted?

Chair Nelson stated: I think where we are headed here is that in answering Brenda's question what is going to come out of that is probably not a hard-and-fast answer. But the Commission needs to consider how much fill is required for this project given the dynamic nature of the system in light of sea level rise.

Commissioner McGrath noted: And unlike when we first grappled with Sonoma Baylands we now have guidance documents in terms of what is the ideal sweep. You can look at something that came up on Sonoma Baylands putting some of the material as an embankment for future wetlands but also for habitat at the present time. I think you've got precedent to look at that and say, does it make sense. What we would like as Commissioners or what I would like as a Commissioner is to move back a little bit from rigidity and substitute science.

Chair Nelson acknowledged the statement: I will take that as suggestions to staff as something to try and move on.

Commissioner Showalter sought clarification: We should try to summarize. How will sediment requirements change over time to maintain habitat? Is that the question we are going for?

Chair Nelson replied: The new question we are adding here is how does the temporal – the fact that we have dynamic systems that can be changing over time; how does that affect the fill required – it's both sides of the question – it's the fill required to maintain a healthy project over time and how is the sediment budget going to change over time which affects that as well.

Commissioner Showalter reiterated: I just want to make sure that we get to maintain the healthy habitat over time in that question because that's really important. We always want to guard against fill for any random residential projects.

Chair Nelson added: It's also possible that this sort of cuts the other way. It's possible that we could decide that the mouth of Pinole Creek that actually we should back off if we are doing habitat restoration out there because we are going to be getting more sediment over time than we are getting today. It's not impossible that we will see this in some places.

Commissioner Ziegler commented: I thought part of what this would be is then, how can the policies be restrictive enough but also be more pliable because the system is changing faster than when we were thinking 20 years ago or when the McAteer-Petris Act was passed. And that seems like something that might be good to think about in this narrative part that we went through already. How do we introduce that? What we will need is going to be changing over time much faster.

Ms. Jessica Davenport with the Coastal Commission commented: I have comments under the complementary efforts. There are a couple of things that we could look at that address these issues. The Delta Plan has a requirement to use the best available science in adaptive management. The adaptive management which is a nine-step process involves identifying the goals and objectives of the project. How the proposed actions are expected to achieve the goals. How will you measure whether you have achieved the goals? And if you are not, how will you adjust? If that could be looked at as a possible model that could address a lot of these questions it could address the multiple-benefits question if you had multiple goals and objectives. It could also address the issue of time. You would have to clearly define that as you defined your project. You would have to have a way to measure whether you are achieving it over time but you also have that flexibility to possibly add more sediment. I don't know if you would have to come back for an amendment to your permit but that is something to consider.

Chair Nelson noted: That to me sounds like another one of these over-arching action ideas. Where does adaptive management for these habitat projects related to fill fit into this?

Ms. Hall stated: We probably do need to include adaptive management components in here.

Chair Nelson observed: We don't have it as a category in here.

Mr. Goldbeck stated: One of the Bay Plan policies is supposed to address adaptive management.

Ms. Goeden commented: It's in the climate change policies and so it talks about major, shoreline projects. Over 50 years you have to do a risk evaluation. If the risk evaluation says you are not resilient at 50 or 100 years you have to do adaptive management.

Chair Nelson chimed in: This is a question to look at for staff. This discussion about adaptive management as related to fill. Whether we are dealing with that somewhere else or whether we do something here is not something we have answered for you.

Ms. Fiala added: To the extent that you are considering placing fill and monitoring performance of that fill and then based on the results of the monitoring taking actions to reach the desired results that squarely falls into this scope of the amendment.

Chair Nelson continued: And it is easy to imagine that on a project like Cullinan Ranch, at five years in or 10 years in realize you need to place more sediment then. Or we might do what we do on land where we require projects to be adaptable over time. We might say, your project can have X amount of fill today and then we are going to do adaptive management and in 10 or 20 years we might have to come back and do some additional fill. It does seem like there is a really, important, adaptive-management question here. I'm not sure where it fits yet.

Ms. Hall stated: I will note that Section (f) is monitoring and long-term management of fill for habitat projects. So that section tries to get at the question. Where it goes in the Bay Plan is still a consideration of that component.

Ms. Fiala added: The future Bay Plan Amendment is specifically focused on adaptive management. It could take a much, broader view of adaptive management. In the climate change policies, the adaptive management of adaptation planning, and the phasing of the protective approaches for shoreline development over time could be much broader than adaptive management for restoration.

Chair Nelson continued: Yes. That is why I am not sure to what extent we should try to do that here. We should deal with these adaptive management questions for all the different Bay Fill issues. My instincts are that we probably want to deal with it here rather than somewhere else.

Ms. Hall added: I think with regards to how we think forward about fill in the Bay and how we deal with that in steps will fall under this amendment.

Commissioner McGrath offered an analogy: I just brought up section 66605 of the McAttee Petris Act again. There is a pretty good set of suspenders there. And we don't have the authority as a Commission to undermine that. We have the authority to further define it. With that good of suspenders maybe the belt could be a little looser. (Laughter)

Ms. Davenport commented: I do have one more complementary effort to think about which is the Bay Restoration Regulatory Integration Team (BRRIT) work. They are specifically looking at the issue of change in habitat type. Maybe that can be into this as well.

Ms. Hall noted: That is also something we consider further down in the document.

Mr. Sam Stewart commented: My point was pretty much exactly what was said about adaptive management needing measures of success.

Ms. Hall continued: In Middle Harbor we see a similar restriction only this time it is about the use of dredged material for beneficial re-use in a habitat project.

Commissioner McGrath had a point of order: I have worked on this project and I cannot be strictly a BCDC Commissioner on it. I have deep and long ties to the Port of Oakland. For factual discussions I'm okay with. For policy discussions it would be inappropriate. It might be better for me to leave. We have to think about it.

Ms. Fiala pointed out: The Bay Fill Policies Working Group does not take official actions. You could be part of the discussions and maybe abstain when it actually comes up.

Chair Nelson added: And we are not making recommendations here. We are framing questions not making recommendations.

Commissioner McGrath noted: This is more a compatible activities question where I don't have the financial conflict of interest.

Chair Nelson stated: Down the road you might not vote on that Bay Plan Amendment change when we get there but we're not writing recommendations today. We are asking questions.

Mr. Goldbeck added: And also this is more of a global discussion of whether we should be limiting these kinds of projects as opposed to the merits or demerits.

Commissioner McGrath continued: Well I certainly have some insights into this.
(Laughter)

Chair Nelson reiterated: We are not discussing whether we should beat the Port with a stick. (Laughter) I don't think you have a conflict with regard to beyond the four walls of Middle Harbor because that is the question.

Commissioner McGrath replied: Okay. If I feel uncomfortable I will leave. (Laughter) I have to be careful.

Chair Nelson continued: I think the question about Middle Harbor is actually not a question about Middle Harbor. So I think you are okay.

Commissioner McGrath stated: Okay.

Ms. Hall continued: Essentially this is under Dredging Policy 11(b) which is a very long policy. This policy states, "To ensure protection of Bay habitat, the Commission should not authorize dredged-material, disposal projects in the Bay and certain waterways except for projects using a minor amount of dredged material." So it contains the "minor" restriction but this time specifically on beneficial re-use of dredged material until (a), (b) and (c) the Oakland Middle Harbor Enhancement Project, if undertaken, is completed successfully. The issue here is now beneficial re-use of dredged materials restricted to only a minor amount in any project in the Bay anywhere whether sub-tidal or inter-tidal or whatnot until Oakland Middle Harbor Enhancement is completed successfully. And the question is, are there fundamental reasons why that limit still needs to be applied here? Can we potentially remove or change this condition? Considering the history of this we know that there were good reasons for putting this in there. We didn't want to be putting huge amounts of material freely in the Bay, but if we now amend the Bay Plan to include other policies that are conditioning that placement of beneficial re-use in the Bay, can it be okay to remove or change the Middle Harbor conditions?

Commissioner Showalter commented: I think that the stepping back from this, and looking at why this language was in there in the first place, it was because this was a project where we expected to learn a great deal about how restoration worked and how using fill in restoration worked. We have learned a great deal. I don't think that this is valid any longer and I think we should get rid of it.

Chair Nelson chimed in: I suggest tweaking this question in one way. In the first question, last line – it says, "great amounts of dredged material in other habitat projects"; in my mind if somebody came back to us with a project that was virtually identical to Middle Harbor, I don't know that such a project exists, but if somebody came back to us with a project that was really, really similar then you could make an argument – hold on, let's wait until we get the lessons from this project before we approve the second very similar project. But a lot of the habitat restoration projects we're describing using fill have nothing to do with Middle Harbor. And Middle Harbor might have some analogies in terms of how we think about it. But the success or failure of Middle Harbor is irrelevant with regard to whether thin placement of dredged material on some other tidal marsh is appropriate. It just doesn't answer the question. Maybe the methodologies that come out of Middle Harbor will be useful but the success or failure of Middle Harbor doesn't tell us whether a very different kind of fill for habitat would be

successful. One of the ways I would suggest tweaking that question would be a change in the last line to say something like, “before using greater amounts of dredged material in any other habitat projects” because I could imagine there might be a case where you might be able to make a solid case for Middle Harbor success being a requirement before we build the next project. But for tons of other projects it just isn’t relevant.

Ms. Goeden commented: The only other thing I could think of is the parallel between placing fill to grow eel grass not in such a deep area but you could potentially want to place fill to grow eel grass where it is currently a little too deep.

Ms. Fiala added: But even if a project was analogous to Middle Harbor we could learn something from the completion of Middle Harbor. And should the construction of that project be dependent on the eventual completion of Middle Harbor? It has had issues moving towards completion.

Commissioner Ziegler inquired: Do we need to ask the question about if removing this would change what the outcome at Middle Harbor will be? Is there any concern that taking this out impacts Middle Harbor at all?

Mr. Goldbeck responded: I don’t think so because we already have a consistency determination that states that the Corps is going to construct the project. And so the fact is that those policy changes wouldn’t have an impact on that.

Commissioner McGrath commented: I am trying to figure out what I can say here. Let’s put the provision (c) of what completed successfully means completely off the table because that’s at issue. If you are going to talk about that I do need to leave. Let’s more generalize – so this leaves you with two questions. What have you learned and can you change your viewpoint of how much you need to learn from Middle Harbor before you change policies? That’s the policy question that is writ large. And the other one which is a little more esoteric – Middle Harbor and most of the projects that are now coming before the Commission have an extensive number of metrics to gauge success and engage and guide adaptive management. I have watched this whole science develop and it’s really good.

I would point out that from Breckit Marsh—no restoration project I’ve worked on has come out exactly as we thought it would. The more appropriate question is, when you learn what it is that you’ve got you face an adaptive management question of, should you tinker? With Breckit Marsh there was a really cool assemblage of wetlands plants that were fairly narrow. The budget wouldn’t allow excavation of all the debris encountered. From a circulation perspective you probably didn’t want to wipe out those plants. That came up in Carpinteria Marsh as well. That is what adaptive management is all about. I think capturing a more complicated idea than success as a metric or as 35 of 35 metrics – I think you need to think –

Chair Nelson interjected: We are going to have a pilot project discussion later on. When we get there let’s have that discussion there because that is where we need to have that conversation. We need to ask, so how do you define success?

Commissioner Ziegler commented: Maybe a question that could be considered here is, what has been learned from Middle Harbor that is applicable? The idea was that we were going to learn stuff and then it has been suggested that there has been learning.

Chair Nelson noted: So you are saying we should add that as a question.

Commissioner Ziegler replied: Yes. Isn't that relevant? That what has been learned to date that may inform the policies. That was the intention of putting the policy in there. And Jim is asking, what is success?

Chair Nelson stated: Well we can add that to the questions because that is a key question for pilot projects. If you want a pilot project you have to have a metric for determining success.

Ms. Goeden added: I think the challenge for us so far on what has been learned is what we've learned so far is how to construct because there is no monitoring that has occurred beyond settlement. That is where we are at.

Chair Nelson had a suggestion: I would suggest one simple change to the second question. The change of "can" to "should". We know that we can remove it as a Commission but should we?

Mr. Goldbeck opined: I don't think that is specific to Middle Harbor. I do think that some of the concern that I heard back then wasn't as much about Middle Harbor. It was more about are we now going to see a whole lot of projects proposed to "make habitat in the Bay" which really was a convenient way to get rid of whatever it is – dredged material or what-have-you. There was like, wait – in this thing even worth it? Let's slow down here. There was some drive for that.

Chair Nelson agreed: Right. And that the Corps would say, let's find a mudflat, go build a ring levee and we will give you tidal marsh.

Ms. Goeden added: That is their Engineering with Nature Initiative right now.

Mr. Goldbeck continued: And so we need to think about that in terms of how we craft these policies. Now maybe we want to say, yes – let's do that and maybe we don't. We do need to think about that intentionally.

Chair Nelson stated: Zack has emphasized that he believes we don't have the time to do the really, cautious approach we have normally used which is, let's do a pilot project and let's wait five or ten years to see if that succeeds and then let's do another pilot project a little bit bigger and then eventually scale up. If the Corps comes to us and says, you want 5,000 acres of habitat; we'll give it to you. Maybe that's where we start to deal with that question of how we balance that risk equation. We have a sense of urgency we didn't have in the past.

Commissioner McGrath commented: Steve has asked the right question and it's one of the things that – when you're doing things that some people think are God-like that exchanging of landscape; you need to have a really big dose of humility because there are no anti-ecological niches in the Bay. If you are going to take the upper end of the Port of Oakland where New Berth 21 was proposed and make it a marsh you are going to eliminate habitat for

skates. That is what is there is the deep water. I have seen hundreds of them there. So the context for manipulation has to be one that is habitat-goals driven rather than economic-benefit driven.

And the other thing that needs to be inserted in this is operational landscape units. I will give the example of the Bay Bridge Toll Plaza. If you get far enough back in that basin, sediment is being trapped. It's an operational landscape unit that will eventually build out slowly into a marsh. If you get out to the end of Radio Beach, where you are no longer subject to the tidal slosh that's driving your system, you create a soft solution for that limited area, but it might not be sustainable due to the physical conditions. And I don't know that it makes sense in terms of your operational landscape unit thinking. I think we need to capture the need and the suitability but you can't fly in the face of what your environment is trying to do. You can work with it but first you must understand it.

Commissioner Showalter commented: I am not sure we're this belongs but one of the things that I have been thinking of listening to this discussion is, a question of what are the best management practices we have learned from restorations in San Francisco Bay? I would hope that BRRIT is working on that.

Ms. Davenport replied: Actually for the Restoration Authority we had a presentation on that by Michelle Orr and she has made the presentation on forty years of habitat restoration and what we have learned. That is a good source and there is a couple of associated articles and she is a really good source for that.

Chair Nelson stated: That sounds like something we could have and handle it in related discussions or related, complementary processes.

Mr. Goldbeck added: And actually Phil Williams and Phyllis Faber have written Lessons Learned from Wetland Restorations. Those are the kinds of things we need to look at.

Chair Nelson announced: We are out of time so let's take a moment to check in. We are half way through so the first question for staff is, how have we done so far? Has this been the sort of discussion you are looking for?

Ms. Hall answered: Yes, this has been great. Without intentionally doing so we have actually touched on most of the other topics further down in this document because the issue is that all of things are inter-connected. We still could dive into each one of them a little more detailed in some ways.

Chair Nelson asked: For our next meeting is it going to cause problems if we finish this conversation then?

Ms. Hall explained: Well, my concern is it may be a little late in some ways because by January the goal is to already have plans for our two workshops which I already have draft plans for the workshops. I wanted to run this by you in January. Everything that I have been thinking for the workshops fully aligns with what we have been talking about today. I feel reassured about one everyone thinks needs to be included.

Chair Nelson asked: Would it work if we split our January meeting and tried to get through the rest of this document in the first half? And then we could do the workshops in the second half.

Ms. Hall asked: What do you feel about potentially sending written comments on this?

Chair Nelson responded: We could certainly try to do that.

Ms. Hall added: Just so I can know as soon as possible if there are any additional, glaring problems or missing pieces. As you know our date is June. We need to have the report sent out by mid-May which means I am going to have to have a pretty, good report to staff internally for review by the end of April. I am planning to keep blazing forward as much as I can.

Chair Nelson suggested: Let's make sure we ask folks to give you feedback by the end of the first week in January. Does that work?

Ms. Hall answered: Yes, that would be awesome.

Chair Nelson explained: So the end of the first week in January gives us some time. Let's do that. For our next meeting does it make sense to assume that we have provided input on the rest of this document through written input?

Ms. Hall replied: I think if any major issues were raised in the written input maybe we will discuss those briefly at the beginning but otherwise assuming it was all tweaks we can assume that we are all more-or-less on the same page and go forward.

Chair Nelson continued: We'll see what emerges through our discussion. I have a feeling we are going to want to talk about pilot projects. To me that is really a key question. We've got a paradigm for pilot projects, learn a whole bunch and wait a substantial amount of time, do something else and there may be some other questions for us to be asking about that paradigm.

Ms. Hall mentioned an option: We could do phone calls as another option.

Chair Nelson stated: I mean we could do a phone call but I think for these meetings it is much more productive to sit in the same room.

Commissioner Ziegler commented on pilot projects: I was just wondering in agreeing on the importance of this pilot project stuff; it does seem like you are asking a question that is not here right now which is the right question to ask.

Chair Nelson engaged the group in discussion and strategizing about input dates and modalities.

Commissioner Showalter made an announcement: I have been serving on the Commission as the ABAG's representative for the South Bay. I did not win reelection to the Mountain View City Council. I understand that I will be knocked off. But I am working to become an alternate. I don't know how long that will take but I would like to participate in these meetings as a member of the public for a while.

Chair Nelson stated: It would be great to have you continuing.

4. Fill for Habitat Bay Plan Amendment Timeline Update. *This item was not discussed.*

5. Adjournment. There being no further business, Chair Nelson adjourned the meeting at 12:40 p.m.